

1. Applicant's amendment filed on 08/09/11 has been entered and made of record.
2. Applicant has amended claim 15. Claims 1-3, 8-10, and 21 were previously canceled. Claims 4-7 and 11-14 were/are withdrawn from consideration. Currently, claims 4-7 and 11-20 are pending.
3. Applicant has amended claim 15 by adding "In combination with a film grain generation apparatus" in the preamble to overcome the 35USC 101 rejection to claims 15, 17, and 18. Examiner believes that this **does not** overcome the 35USC 101 rejection on claims 15, 17, and 18 because using "in combination" does not specify that the method is being performed by the film grain apparatus. The method can be performed manually and the results can be fed to a film grain apparatus afterwards meeting this amended limitation but does not meet the machine-transformation test. Therefore, examiner maintains the 35USC 101 rejection to these claims. Examiner refers to the action below.

### ***Response to Arguments***

4. Applicant's arguments, see remarks, filed 08/09/11, with respect to claims 15-20 have been fully considered and are persuasive. The 35USC 103 (a) rejection of claims 15-20 has been withdrawn.

***DETAILED ACTION***

**Claim Rejections - 35 USC § 101**

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 15, 17, and 18 are rejected under 35 U.S.C. 101 because these claims do not pass the machine transformation test. They are not tied to a machine, nor is there any transformation taking place, further it can be performed manually.

***Allowable Subject Matter***

6. Claims 19 and 20 are allowed.
7. Claim 16 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Contact Information***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANAND BHATNAGAR whose telephone

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number is (571)272-7416. The examiner can normally be reached on M-Th 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vu Le can be reached on 571-272-4650. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anand Bhatnagar/  
Primary Examiner, Art Unit 2624  
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